



House of Representatives

General Assembly

File No. 507

February Session, 2006

Substitute House Bill No. 5839

House of Representatives, April 12, 2006

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING BLOOD OR BREATH TESTS OF SURVIVING OPERATORS INVOLVED IN MOTOR VEHICLE ACCIDENTS AND PROHIBITING PERSONS FACILITATING ILLEGAL STREET RACING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 14-227c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (b) A blood or breath sample shall be obtained from any surviving
5 operator whose motor vehicle is involved in an accident resulting in
6 the serious physical injury, as defined in section 53a-3, or death of
7 another person, if (1) a police officer has probable cause to believe that
8 such operator operated such motor vehicle while under the influence
9 of intoxicating liquor or any drug, or both, or (2) such operator has
10 been charged with a motor vehicle violation in connection with such
11 accident and a police officer has a reasonable and articulable suspicion
12 that such operator operated such motor vehicle while under the
13 influence of intoxicating liquor or any drug, or both. The test shall be

14 performed by or at the direction of a police officer according to
15 methods and with equipment approved by the Department of Public
16 Safety and shall be performed by a person certified or recertified for
17 such purpose by said department or recertified by persons certified as
18 instructors by the Commissioner of Public Safety. The equipment used
19 for such test shall be checked for accuracy by a person certified by the
20 Department of Public Safety immediately before and after such test is
21 performed. If a blood test is performed, it shall be on a blood sample
22 taken by a person licensed to practice medicine and surgery in this
23 state, a qualified laboratory technician, an emergency medical
24 technician II, a registered nurse, a physician assistant or a
25 phlebotomist. The blood samples obtained from an operator pursuant
26 to this subsection shall be examined for the presence and concentration
27 of alcohol and any drug by the Division of Scientific Services within
28 the Department of Public Safety.

29 Sec. 2. Subsection (c) of section 14-224 of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective*
31 *October 1, 2006*):

32 (c) (1) No person shall operate a motor vehicle upon any public
33 highway for a wager or for any race or for the purpose of making a
34 speed record.

35 (2) No person shall (A) possess a motor vehicle under circumstances
36 manifesting an intent that it be used in a race or event prohibited
37 under subdivision (1) of this subsection, (B) act as a starter, timekeeper,
38 judge or spectator at a race or event prohibited under subdivision (1)
39 of this subsection, or (C) wager on the outcome of a race or event
40 prohibited under subdivision (1) of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	14-227c(b)
Sec. 2	October 1, 2006	14-224(c)

Statement of Legislative Commissioners:

The title was revised for purposes of accuracy.

JUD *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Correction, Dept.; Judicial Dept.	GF - Cost	Potential	Potential
Judicial Dept.	GF - Revenue	Potential	Potential
	Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None**Explanation**

The bill expands the circumstances under which a survivor of a serious accident, resulting in death or injury, must give a blood or breath sample. The expansion could result in a workload increase to police and various criminal justice agencies, but is not anticipated to result in a fiscal impact. Additionally, the bill prohibits several actions associated with illegal street racing, and subjects such conduct to a fine of \$75 to \$600 or up to one year imprisonment, or both, for a first time offense, and a subsequent offense of up to one year in prison and a fine of \$100 to \$1,000, or both.

To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

The Out Years

The fines would not be subject to inflationary adjustments, but would remain constant unless amended by statute. The potential cost to the Judicial Department and Department of Correction would be subject to inflationary increases.

OLR Bill Analysis**sHB 5839*****AN ACT CONCERNING BLOOD OR BREATH TESTS OF SURVIVING OPERATORS INVOLVED IN MOTOR VEHICLE ACCIDENTS AND PROHIBITING PERSONS FACILITATING ILLEGAL STREET RACING.*****SUMMARY:**

This bill broadens the circumstances where a surviving driver of a car accident involving serious physical injury or death must give a blood or breath sample. The bill requires the driver to give a sample if the police (1) charge him with a motor vehicle violation regarding the accident and (2) have a reasonable articulable suspicion that he was driving while under the influence of liquor or drugs. Under current law, unchanged by the bill, the police can require a test from a surviving driver if the officer has probable cause to believe that the driver was driving under the influence.

The law prohibits driving a motor vehicle on a public highway for purposes of betting, racing, or making a speed record. The bill additionally prohibits (1) possessing a motor vehicle under circumstances showing an intent to use it in a prohibited race or event, (2) acting as a starter, timekeeper, judge, or spectator at such a race or event, or (3) betting on the race's or event's outcome. It subjects this conduct to the penalties in current law for driving in these races or events: (1) a first offense is punishable by up to one year in prison, a fine of \$75 to \$600, or both and (2) subsequent offenses are punishable by up to one year in prison, a fine of \$100 to \$1,000, or both.

EFFECTIVE DATE: October 1, 2006

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (03/27/2006)